

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: 3DFX INTERACTIVE, INC.

NO. C 06-03238 JW

**ORDER DENYING MOTION FOR
LEAVE TO APPEAL BANKRUPTCY
COURT DECISION**

Before the Court is nVidia's motion for leave to appeal two interlocutory orders of the Bankruptcy Court, one granting the Equity Committee standing to pursue a declaratory relief action against nVidia, and another striking evidence that nVidia sought to introduce in connection therewith. An appeal from an interlocutory order in a bankruptcy case is a permissive one that can be taken only by leave of the district court or the bankruptcy appellate panel. 28 U.S.C. § 158. In considering whether to grant leave to appeal, the standard set forth in 28 U.S.C. § 1292(b) applies to the bankruptcy court interlocutory order. See Oliner v. Kontrabecki, 305 B.R. 510, 527 (N.D. Cal. 2004). Because nVidia has not demonstrated that the orders at issue involve a controlling question of law as to which there is a substantial ground for difference of opinion and that an intermediate appeal from the orders may materially advance the ultimate termination of the litigation, nVidia's motion for leave to appeal is DENIED.

Dated: July 17, 2006

06cv3828subm

/s/ James Ware
JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

Douglas A. Applegate daa@sezalaw.com
Frederick D. Holden fholden@brobeck.com
James N. Kramer jkramer@orrick.com
John S. Wesolowski john.wesolowski@usdoj.gov
Karen Johnson-McKewan kjohnson-mckewan@orrick.com
Margreta M. Sundelin msundelin@stutman.com
Matthew J. Shier mshier@pinnaclelawgroup.com
Robert Anthony Trodella rtrodella@hewm.com
Sblend A. Sblendorio sas@hogefernton.com
Stephen T. O'Neill sonell@murraylaw.com

USBC Manager-San Jose
US Bankruptcy Court
280 South First Street, Room 3035
San Jose, CA 95113

John S. Wesolowski
United States Trustee
280 South First Street, #268
San Jose, Ca 95113

Amy E. Wallace
DLA Piper Rudnick Gray Cary US LLP
2000 University Avenue
East Palo Alto, CA 94303

Monique Jewett-Brewster
Law Offices of Reed Smith
1999 Harrison Street, #2400
Oakland, CA 94612-3572

Aron M. Oliner
Buchalter, Nemer, Fields and Younger
333 Market St., 5th Floor
San Francisco, CA 94105-2130

Tara L. Condon
Sedgwick Detert Moran and Arnold
1 Market Plaza Steuart Tower 8th Floor
San Francisco, CA 94105

John M. Sorich
Alvarado Shapiro and Wilson
4 Park Plaza, #1230
Irvine, CA 92614

Dated: July 17, 2006

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Snooki Puli
Courtroom Deputy